

ATTORNEY DOCKET NO.
13647.0003

PATENT
Customer ID No. 33649

REMARKS/ARGUMENTS

Claims 1-4 and 7-22 are pending. In an Office Action dated 11/19/2004, claim 22 was rejected under 35 U.S.C. 112. Claims 1, 2, 7-11, 14-16, 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Perri de Resende in view of admitted prior art. Claims 3 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Perri de Resende in view of admitted prior art and AN (IEE OPOS (USPOS)* Compatible Pole Display Software). Claims 4, 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Perri de Resende in view of admitted prior art and further in view of Rogge. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Su and further in view of Coutts. Claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Coutts and further in view of Perri de Resende. These rejections are respectfully traversed.

Applicants appreciate the telephone interview with the Examiner's supervisor, Ms. Meng-Al T. An, on March 21, 2005, and her reference to a new piece of prior art, U.S. 6,338,149. The Applicants believe that the claimed invention is still distinguishable over U.S. 6,338,149, as it also does not disclose point of sale systems, but rather personal computers and the like. The Applicants believe that one of ordinary skill in the art would understand (at least from the definition at pages 2 and 3 of specification, if not from what is commonly understood in the art) a point of sale system to be a device with limited memory and limited processing power that is not capable of being programmed by a user, unlike a common personal computer that is optimized to allow users to install programming. As such, the Resende reference simply fails to provide many elements of the claimed invention, and the Examiner's response to the Applicants argument in the office action dated November 19, 2004 is simply non-responsive. Thus, while the Applicants appreciate the indication by Ms. An that a new non-final office action will issue in response to this request for reconsideration, the Applicants sincerely hope that any rejections of all claims will be based on a system that is capable of programming point of sale devices, as that term would be understood by one of ordinary skill in the art, having a device that is operable to program a plurality of point of sale devices (not just personal computers), wherein the plurality of point of sale devices includes devices having proprietary operating systems from two

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or more different manufacturers, a feature of such operating system being that they do not allow a user to readily install new software on the point of sale device, this rendering the auditing feature of U.S. 6,338,149 unnecessary, as it is not required to audit the point of sale systems to determine whether unauthorized software has been installed.

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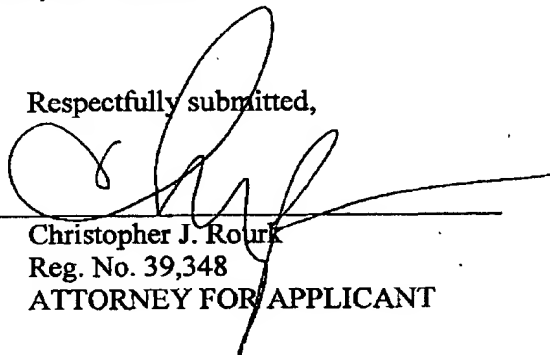
CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicant submits that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 939-8657 so that such issues may be resolved as expeditiously as possible.

No fee is believed to be due at this time. However, if any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber LLP, No. 500530.

Respectfully submitted,



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